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INFO RUEHEE/ARAB LEAGUE COLLECTIVE IMMEDIATE

RUEHZL/EUROPEAN POLITICAL COLLECTIVE IMMEDIATE

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C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 000737

SIPDIS

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TAGS: PREL PTER UNSC SY LE

SUBJECT: LEBANON TRIBUNAL: MANAGEMENT COMMITTEE BRIEFS

MEMBER STATES ON PROGRESS

REF: A. USUN 198

1B. USUN 153

1C. USUN 525

1D. USUN 384

1E. USUN 239

1F. IO/USUN EMAIL (REINEMEYER/WILCOX)-04/17/08

1G. STATE 1070

1H. USUN 648

1I. USUN 629

1J. USUN 484

1K. 2007 USUN 071138

1L. USUN 340

Classified By: Legal Adviser Carolyn L. Willson, for reasons 1.4(b) and (d).

11. (SBU) BEGIN SUMMARY: The UK Chair of the Management Committee for the Special Tribunal for Lebanon briefed Member States August 13 on progress relating to the STL. The Chair discussed the Management Committee, its functions, and composition, as well as developments concerning the building that will house the STL, STL staffing, and the STL's budget. The briefing was the first of a planned series of regular meetings for States interested in the work of the STL, including in particular other donors not represented on the Committee, that the Committee has decided to convene as a way of encouraging contributions to the STL. END SUMMARY.

Background

12. (SBU) At the STL Management Committee's first briefing on the STL for interested States, Committee Chairman, UK Mission Legal Adviser Catherine Adams, reviewed the Management Committee's operations, as well as developments relating to the STL building, staff recruitment, and finances. Participants included legal and political officers from the missions of Algeria, Australia, Argentina, Austria, Belgium, Brazil, Burkina Faso, Canada, Chile, China, the Czech Republic, Estonia, Egypt, Finland, France, Germany, Greece, Haiti, Iceland, India, Israel, Italy, Japan, Kuwait, Lebanon, Libya, Liechtenstein, Luxembourg, Mexico, Monaco, the Netherlands, Norway, New Zealand, Pakistan, Panama, Philippines, Portugal, Qatar, Romania, the Russian Federation, Sierra Leone, Spain, Sweden, Trinidad & Tobago, Turkey, the UAE, the United States, Yemen, and Zambia. The European Commission also attended.

Management Committee/Building Project

13. Adams reported that the Management Committee, which the Secretary-General established on February 13, 2008 to provide policy direction on all non-judicial aspects of the STL's operations, is composed of Lebanon, the Netherlands, Canada, France, Germany, Japan, the U.S., and the UK (refs A-B).

Membership in the Committee is still open to states that are significant contributors to the STL and willing to assume the functions set out in the Terms of Reference, subject to an overall limit of ten members, she said. Adams also reported that the Management Committee has considered and approved a plan to adapt the building in The Hague that will house the Tribunal, and that the STL and the Netherlands signed the lease for the building on June 6 (refs C-D). Construction work is underway, and offices are available for immediate occupancy.

Staffing

¶4. (SBU) Adams reported on staff recruitment efforts underway. For instance, a job announcement for the Head of the Defence Office is posted on the STL's website, www.STLeb.org (ref E), and applications have been requested by the end of September, she said. STL Registrar Vincent, accompanied by a small advance team, arrived in The Hague in June to set up the administration of the STL (ref F). Vincent and STL Prosecutor-Designate Bellemare have begun to recruit STL staff, and the Registrar is establishing its core units, including a Detention Unit, Defence Office, Victims and Witnesses Unit, and Press/Public Affairs/Outreach Section. Adams stressed that Public Affairs/Outreach is a priority for the STL, and an acting chief of that section will begin work on September 1. Temporary posts in areas such as information technology, human resources, and general services are also being filled.

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¶5. (SBU) Adams also noted the Committee's decisions relating to the terms of conditions of service for judges (refs G-H), which are in line with those of the judges of the Special Court for Sierra Leone, with modifications to reflect the STL's location in the Netherlands. The Committee also has decided to set the judges' salary at the same level as the judges of the International Court of Justice, the International Criminal Court for the former Yugoslavia, and the International Criminal Tribunal for Rwanda, she said. The Committee also has adopted terms and conditions of service for the STL's other staff members, which are based substantially on the UN staff regulations and rules.

¶6. (SBU) Adams reported that the Committee, after considering various options, has decided to seek membership in the UN Joint Staff Pension Fund as a way to comply with Dutch law requiring STL to belong to a pension scheme providing equivalent protection to the Dutch system and to ensure a smooth transition from the UN International Independent Investigation Commission (UNIIC). In June, the Pension Fund Board recommended that the General Assembly's Fifth Committee (Advisory and Budgetary Questions) approve the STL's application this fall (ref I).

Budget and Financial Issues

¶7. (SBU) Adams reviewed the status of the STL's budget, advising that the Management Committee is currently considering the budget for the STL's first year (refs J-K). Following a phased approach, the Committee plans to approve the budget for staff costs this month and then to approve a final budget this fall that also reflects operational costs. The current estimates are USD 52 million for the STL's first year (covering the one-time expense for the building construction project) and approximately USD 90 million for the two subsequent years combined.

¶8. (SBU) The STL has received contributions and formal pledges of USD 59,071,720.41 as of July 25 (USD 43,400,823.81 in contributions and USD 15,670,896.60 in pledges).

Contributions are currently deposited in a UN Trust Fund, but the Management Committee has decided that funds will be transferred to an account held directly by the STL once the account has been established and appropriate control mechanisms are in place (ref L). To that end, the Committee has adopted financial rules and regulations for the STL, which are based substantially on the UN's Financial Regulations and were approved by the UN Controller's Office. The UN Office of Internal Oversight Services (OIOS) has agreed to act as internal auditors for the STL accounts.

Q/A

¶9. (C) A brief question-and-answer session followed Adams' briefing. Russia, which has criticized the Secretary-General's establishment of the Management Committee and said all P-5 members should be represented on the Committee, asked whether the Management Committee would publicize a complete list of the STL's donors. Adams responded that the Committee had not yet decided whether to publicize the donors' list and that she would place the question on the Committee's future agenda. COMMENT: The UN's list of donors, which has not been made public, designates all donors that have agreed to make their names public. The UAE, which has asked the UN to keep its name confidential, is listed under the "Regional States" heading (ref M). END COMMENT.

Khalilzad